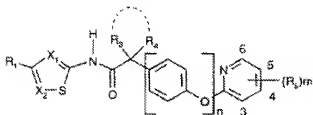


Remarks

Upon entry of the above amendments, this application will contain claims 1, 2, 4-16, 20, 22, and 24 pending and under consideration. The application was originally filed with claims 1-24. Claims 19, 21, and 23 were canceled in a Preliminary Amendment; claim 3 was canceled in a Response to Restriction Requirement. In the present Submission, claims 1, 2, and 24 have been amended and claims 17 and 18 have been canceled. It is believed that the currently pending claims are allowable as discussed more fully below. Therefore, reconsideration leading to allowance of all pending claims is requested.

Rejections Under 35 USC. §103

Claims 1, 2, 4, 5, and 20 were rejected under 35 USC §103 over Ducray et al (WO 01/36415 (herein after Ducray)). It was stated that Ducray teaches the compound:



Where n is 1, R₃-R₄ is CH₂CH₂, X₁ and X₂ are N, R₁ is Cl, and R₅(m) is 3-Cl. (See page 30, compound 1.22). Ducray does not teach a R₃ group as described in the instant invention where R₃ is lower alkyl or halo lower alkyl. Hydrogen and methyl are obvious variants. (citing In re Wood et al. 199, USPQ 137 (Office Action page 4).)

The R³ variable in independent claim 1 has been amended by deleting reference to any lower alkyl and halo lower alkyl groups. Consequently, in the presently claimed invention, R³ includes a ring, either an aryl, cycloalkyl, cycloalkenyl, or heterocycloalkyl ring.

As correctly noted in the Office Action, Decray does not contain any substituents in the cyclopropyl ring defined by appropriately selecting R₃ and R₄ to be -CH₂CH₂-. (See Decray Table 1, pp 30-36, Table 2, pp 37- 40 or Table 3 pp 31- 56. Further, Decray only teaches compounds that are suitable as pesticides. (Decray pages 1 and 2.)

Decray differs from the presently claimed invention in several features. As noted above, the compounds disclosed in Decray do not include any substituents in the cyclopropyl ring defined when R₃ and R₄ is -CH₂CH₂-. Further there is no teaching or suggestion in Decray that

the hydrogens in the cyclopropyl ring can be substituted for an alkyl group much less a cyclic group and still provide pesticidally effective compounds or compounds which activate the glucokinase receptor (GKA).

There is no motivation for one skilled in the art to replace the ring hydrogen in Decray with a ring substituent such as an aryl ring, a cycloalkyl ring or a heteroaryl ring in the present invention. There is been no proffered teaching that rings can replace hydrogens and still predictably provide pesticidally effective compounds or GKA compounds. It is not known that an aryl ring, a cycloalkyl ring or a heteroaryl ring is a simple replacement for hydrogens. This is also not a case where it would be obviousness to try a finite number of substituents in the cyclopropyl ring to arrive at the instantly claimed compounds. On the contrary, the number of substituents that one could envision attaching to the cyclopropyl ring is quite large. In short, there is no further motivation for one skilled in the art to modify the compounds disclosed in Decray to arrive at the presently claimed invention.

Consequently, it is believed that presently claimed invention is not made obvious by Decray or any of the references of record considered either single or in combination. Withdrawal of all rejections is requested.

Conclusion:

The Applicants request timely examination leading to allowance of all pending claims. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Submission or other issues that may be resolved in that fashion.

Respectfully submitted,

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